OCR's increased caseload was due to its enforcement efforts mandated under legislation passed by the Congress in 1973 prohibiting discrimination against the handicapped, OCR did not initiate the development of an enforcement program for this legislation until 1975, and did not request staff positions to begin actual enforcement until its fiscal 1976 budget request.

I think these observations cast serious question on the Department's justification of inadequate staff and resources to carry out its congressional mandate regarding individual bias complaints. It appears HEW and the administration for reasons of their own have determined to give a low priority to the protection of the rights of individual citizens. Indifference to the individual is not the answer to solving the problems of discrimination.

The frustration and disillusionment born of such indifference will be justified. Let us not forget that it is exactly this kind of frustration and disillusionment with the processes of Government that holds the greatest threat to the survival of our democracy. What good are our country's basic constitutional rights unless they have meaning to individual citizens?

I do not think anyone here in the Congress today would question the need for efficiency and the rational allocation of available resources in the administration of civil rights enforcement programs. I do not think there is anyone here today who would dismiss the notion that the compliance review, when conducted with thoroughness and reasonable speed, is perhaps the most effective way to combat systemic discrimination.

But I do not believe that we can turn our back on the individual—and our commitment to that individual—in the name of efficiency.

No matter how much more efficient it may seem to simply refer the aggrieved individual to another remedial agency rather than process the case, this cannot be the proper solution. Court enforcement by the Justice Department or by any other federal agency should not be allowed to become a substitute for the use of administration sanction. One of the primary purposes of the Congress in enacting title VI of the Civil Rights Act of 1964 was to provide an administrative remedy for individuals, and to remove the concept of the courts as the sole enforcer of civil rights of minorities.

If it is the case that OCR cannot perform its mandated responsibilities because of staffing or budgetary constraints, let the Department come before the Congress and request the necessary assistance.

Mr. President, I would hope that this body and this Congress would be equally concerned as the court has been, with taking steps we can and must take to insure the rights of individuals in this country.

Congress and the people of this Nation have expressed a commitment to end discrimination—be it discrimination against women, against racial or ethnic minorities, or against the handicapped. Simple justice requires that public funds, to which all taxpayers contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in discrimination.

This is what we are talking about, Mr. President. It is not our own personal desires, but the way we spend the taxpayers' money generally. We must not spend these dollars in a way which aids and abets discrimination.

The plan to issue such procedural regulations must inevitably call into question this administration's commitment to ending discrimination and to protecting those individual rights secured by our Constitution.

Therefore, Mr. President, today I am submitting for myself and 52 of my colleagues the resolution calling for the withdrawal of the proposed procedural regulations on civil rights enforcement. Withdrawal of the regulation is essential if we are to convince the understandably skeptical American citizens whose rights are in jeopardy that we have an enduring commitment to protect those rights. The Senate must speak loudly and clearly in defense of individual rights, and adoption of this resolution is the vehicle by which our message can be forcefully conveyed to the administration. I urge its speedy adoption.

AMENDMENTS SUBMITTED FOR PRINTING

TAX REFORM ACT OF 1975—S. 512

AMENDMENT NO. 858

(Ordered to be printed and referred to the Committee on Finance.)

Mr. HASKELL. Mr. President, I am submitting an amendment to S. 512, the Tax Reform Act of 1975, which I introduced earlier this year.

As introduced, the bill currently taxes for U.S. income tax purposes income earned by a foreign subsidiary of a United States corporation even though that income has not been distributed to its parent. My amendment would delete that section.

Since introducing S. 512, I have learned that no other major industrialized nation treats undistributed foreign subsidiary income as liable for current taxation. I would not want to put United States corporations at a disadvantage with their foreign competitors. Therefore, I have decided to strike that section.

I am also a cosponsor of S. 651, the Tax Neutrality Act of 1975, which was introduced by the Senator from Idaho (Mr. CHURCH). I would support a similar amendment to that legislation at the appropriate time.

Mr. President, I ask unanimous consent that the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 858

Strike out all of section 116, beginning on page 40 and continuing over through page 44.

CRIMINAL JUSTICE REFORM ACT OF 1975—S. 1

AMENDMENTS NOS. 859 THROUGH 867

(Ordered to be printed and referred to the Committee on the Judiciary.)

Mr. MOSS. Mr. President, I am submitting today nine amendments to S. 1, the Criminal Justice Reform Act of 1975.

The first amendment is designed to define the term "war" with its constitutional meaning. This term is not defined in the bill, and the courts have not limited its scope to the constitutional definition. Many of the terms of imprisonment are stringently increased if a violation of the law occurs during a time of war. Past experience has taught us that the term "war" can sometimes be ambiguous. If we are going to increase penalties based on that term, then it must be defined. This definition is in keeping with Congress asserting its sole constitutional authority to define and declare "war."

The second amendment returns the definition of the crime of treason to its constitutional definition. The Supreme Court has held that Congress does not have the authority to alter the definition of treason—its sole power is to prescribe the penalties for the commission of the offense. Although the present wording of the bill only enlarges on the language of the Constitution, and modernizes it, the risk of possible constitutional challenge to the wording is not worth the proposed changes. The Constitution must be our guiding light for defining constitutional crimes.

The third amendment being offered brings the section entitled "Instigating Overthrow or Destruction of the Government," within the constitutional guarantees of free speech and assembly as interpreted by the Supreme Court. The Court in those decisions which have set the guiding principles for those who would advocate and incite lawless action for the overthrow or destruction of the Government has required that there must be in the offense the elements of "urging to imminent lawless action" and has also required that the speech or conduct be "likely to achieve the lawless conduct." This section as drafted does not contain these constitutional requirements as stated by the Supreme Court.

Also, the section as drafted does not protect the rights to freely assemble and petition the Government for redress of grievances. The Supreme Court decisions dealing with the membership provisions of the Smith Act have required a close connection between an organization and its immediate purposes to alter the Government of the United States. My amendment will accomplish that result by requiring that the organization, or a member in that organization, is not subject to criminal sanctions unless its purpose is the imminent overthrow or destruction of the Government, and that its urgings and incitements are to imminent lawless conduct.

The fourth amendment concerns the crime of sabotage. The amendment limits the scope of the crime to interfering with the ability of the United States to engage in war, rather than allowing the crime to extend to interfering with the

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tion expressing the Senate's sense that specific points of contention between our two countries must be resolved in any agreement to ease relations with the present Government of Cuba. I hope that through this forthright statement of the Senate's minimal requirements the air is cleared and productive negotiations can begin.

SENATE RESOLUTION 235—SUBMISSION OF A RESOLUTION RELATING TO PROPOSED RULES OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

(Referred to the Committee on Labor and Public Welfare.)

Mr. BAYH (for himself, Mr. CASE, Mr. BROOKE, Mr. ABOUREZK, Mr. BAKER, Mr. BENTSEN, Mr. BIDEN, Mr. BUMPERS, Mr. BURDICK, Mr. CHURCH, Mr. CLARK, Mr. CRANSTON, Mr. CULVER, Mr. EAGLETON, Mr. FONG, Mr. GLENN, Mr. GRAVEL, Mr. GARY W. HART, Mr. PHILIP A. HART, Mr. HARTKE, Mr. HASKELL, Mr. HATFIELD, Mr. HATHAWAY, Mr. HUMPHREY, Mr. INOUYE, Mr. JACKSON, Mr. KENNEDY, Mr. LEAHY, Mr. McGEE, Mr. McGOVERN, Mr. McINTYRE, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MATHIAS, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. MUSKIE, Mr. NELSON, Mr. PACKWOOD, Mr. PASTORE, Mr. PEARSON, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. HUGH SCOTT, Mr. STAFFORD, Mr. STEVENSON, Mr. SYMINGTON, Mr. TAFT, Mr. TUNNEY, and Mr. WILLIAMS) submitted the following resolution. To express the sense of the Senate that the Department of Health, Education, and Welfare should withdraw its proposed Consolidated Procedural Rules for Administration and Enforcement of the Department's statutory responsibilities:

S. Res. 235

Whereas the Congress has enacted Title VI of the Civil Rights Act of 1964, Title I–X of the Education Amendments of 1972 and other provisions of law to prohibit discrimination against individuals on the basis of race, sex, religion, national origin or handicap; and

Whereas it was clearly the intent of Congress in enacting those prohibitions on discrimination to protect the individual rights of all persons as well as to thwart systemic discrimination against groups of individuals; and

Whereas the 14th Amendment of the Constitution is explicit in affording equal protection of the laws "to any person"; and

Whereas the courts and the Commission on Civil Rights have found the Office for Civil Rights of the Department of Health, Education, and Welfare negligent in the exercise of the statutory obligation to investigate and resolve both individual bias complaints and compliance reviews; and

Whereas the position of the Office for Civil Rights and the Department that effective enforcement of existing law is hampered by the lack of adequate personnel cannot justify any failure to enforce existing law, and

Whereas it is the strongly held view of the Senate that the Office for Civil Rights and the Department of Health, Education, and Welfare have a continuing responsibility to investigate and to take appropriate action both in cases of individual complaints and in cases of systemic discrimination; and

Whereas the preceding is not required under the proposed procedural regulations, therefore be it

Resolved, that it is the sense of the Senate that the Department of Health, Education and Welfare should withdraw the aforementioned proposed procedural regulations.

And be it further resolved that if additional positions are required within the Office for Civil Rights for effective enforcement of Civil Rights laws this need should promptly be brought to the attention of the Senate.

And be it further resolved that the Office for Civil Rights within the Department of Health, Education, and Welfare shall continue to make every effort to detect systemic discrimination through the use of annual surveys which shall be modified to encompass areas relating to discrimination based on sex and handicap.

Mr. BAYH. Mr. President, I am today submitting, for myself, Senators CASE and BROOKE and 50 of our colleagues, a resolution calling upon the Department of Health, Education, and Welfare to withdraw proposed regulations that—if permitted to take effect—would constitute a serious setback in our national goal of ending discrimination against minorities, women, and the handicapped.

On June 4, 1975, the Department of Health, Education, and Welfare issued a proposed uniform procedural regulation, relating to all the civil rights enforcement responsibilities of the Department with the exception of its obligations under Executive Order 11246, banning discrimination by Federal contractors.

The import of these regulations for victims of discrimination—be they women, minorities or the handicapped—is that HEW will no longer take any action on individual complaints, but will rely instead on periodic compliance reviews. The proposed procedural regulations would remove the requirement of "prompt investigation" of individual complaints, and in effect, would appear to summarily dismiss the individual complaint as no longer being the concern of the Department.

It was my understanding that the Department's justification for the proposed procedural regulation related t ethe increased responsibilities of the Office of Civil Rights, both in terms of increased statutory responsibilities and increased volume of complaints. Former Secretary Weinberger stated the proposed regulation grew out of the current practice of determining the priorities of the Office for Civil Rights by whatever happened to arrive in the morning mail. According to the former Secretary, this "mail bag method of investigation" left many large-scale areas of discrimination uninvestigated.

Mr. President, I find this a strange answer to the problem of efficiency. Instead of responding to a growing number of complaints by requesting sufficient staff and funds to perform its mandated obligations under the law, both through compliance reviews and through consideration of individual complaints, the Department's response is simply to abandon its responsibilities.

The answer to the problem according to this reasoning, is not to attempt to increase efficiency of the Office, but rather to rid the Department of the obligation to handle individual complaints altogether by simply pushing these complaints off on the shoulders of other agencies or onto the courts or by ignoring them completely.

In light of my concern over this new procedural regulation on July 7, 1975, with the consent of the distinguished Senator from Washington (Mr. MAGNUSON), I chaired a day of hearings before the Labor-HEW appropriations subcommittee, focusing on the staff and resource problems of the Office for Civil Rights. At that time, the subcommittee received testimony from Peter Holmes, the Director for the Office for Civil Rights and from various groups and organizations directly affected by the proposed procedural regulation.

Testimony from both the Office for Civil Rights and from groups such as the Leadership Conference on Civil Rights, the Council for Exceptional Children, El Congresso, and the National Organization for Women's Legal and Education Defense Fund produced some surprising and revealing findings:

Despite the heavy reliance by the Department on the various court rulings placing time limitations on the Office for Civil Rights handling of title VI complaints, since the first Court ruling, Adams versus Richardson in 1972, HEW has requested no new positions for title VI enforcement.

Despite the justification of insufficient resources and staff to continue investigating and processing individual complaints, there has been no testimony by representatives of OCR to this effect before either Congressional Appropriations Committees;

In 1966, nine Federal agencies delegated certain civil rights compliance and enforcement responsibilities to HEW under a Department of Justice coordination plan for title VI enforcement. Under this plan, HEW is entitled to ask for reimbursement for the activities undertaken for those Federal agencies. According to a report on Federal Civil Rights Enforcement Efforts by the U.S. Commission on Civil Rights, HEW has failed to claim such reimbursement during the 9 years the plan has been in effect;

Despite the Department's insistence that a new approach would rely on compliance review, the Department has eliminated the use of annual student surveys, one of the tools previously used as a guide to areas in need on compliance reviews;

Despite the Department's continuing complaint that it is understaffed, the Department failed to fill over 50 positions authorized under the fiscal year 1975 appropriations bill.

On the same day the Department released the proposed procedural regulation, it also issued final regulations to implement title IX of the Education Amendments of 1972, banning sex discrimination in all federally assisted education programs. Despite the fact that title IX enforcement throughout 16,000 public school districts and 2,697 institutions of higher learning is now required, and the Department is predicting a high volume of complaints under title IX, the Department has requested only six new positions for title IX enforcement;

Despite the justification that part of

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ability of the United States to prepare for defense activities, as S–1 currently does. In line with this more precise defining of the limits of the crime of sabotage is the elimination of the amorphous concept of "public facility" from the definition of the crime of sabotage. Sabotage is a heinous crime, but has traditionally, and should now, relate to crimes specifically against a war effort or mobilization. This amendment will maintain that element of the crime.

The fifth amendment to S. 1 deals with section 1112 impairing military effectiveness. This section is a stepped-down sabotage section where a specific intent is not required, but rather imposes criminal sanctions if the person engages in the same conduct but with only a reckless disregard to the risks of the results of his conduct. Therefore similar amendments to this section are offered to bring it in line with its parent, the sabotage statute.

This next amendment, the sixth, covers section 1112, inciting or aiding mutiny insubordination or desertion. It deals with advocacy and incitement and the constitutional guarantee of free speech requires a more stringent limiting of what is to be proscribed conduct or speech. Also as presently written, the punishment does not fit the crime—incitement to insubordination is punished as severely as incitement to mutiny or desertion and it does not adequately recognize the severe nature of the offense during time of war. Therefore this amendment attempts to more rationally fit the punishment to the crime.

The seventh amendment concerns the crime of espionage. In keeping with the nature of the other amendments offered today it changes the nature of the crime from one concerning "national defense information" to "classified information." It also rejects the notion of S. 1 as presently drafted which has reduced the culpability for the commission of this crime by requiring only a knowledge that the release of information "may be used to the prejudice" of the United States. My amendment will require that the individual "intend that the information be used to prejudice of the United States".

The eighth amendment offered in the most extensive. The sections that are to be amended concern the disclosing and handling of national defense and classified information, which were referred to by the Chicago Sun Times as a "blueprint for tyranny" in their present form.

Sections 1112—disclosing national defense information—1123—mishandling national defense information—and 1124—disclosing classified information—are consolidated into one section entitled. "The Disclosure and Handling of Classified Information."

The Government has legitimate interests in keeping certain information confidential. However, the definition of national defense information and the possible sanctions, were far too broad and amorphous. The Government's legitimate interests in preserving secrets should only extend to those areas that could awfully be subject to a classified status. That is what this amendment attempts to do. Certainly any national defense information which is critical to this great Nation's security will be classified. The sections as written are unnecessarily redundant.

The amendment retains the admirable provisions of 1124 that allow for review of the classified status, and adds that all classified items must be reviewed annually to insure that their classified status is still proper and lawful. These procedures are required on all information or any prosecution is barried. It also retains the affimative defense of the information not being lawfully subject to classification, if the person did not receive money for it and did not give the information directly to a foreign agent, but only if the person followed the review procedure.

It is my intent by this amendment to balance the conflicting interests of allowing a free flow of information and the Government's legitimate interests in keeping some information secret. The bill as drafted dismisses too lightly the right of the public to be informed and stresses too heavily the Government's needs for secrecy, a concern which now increasingly confronts the Congress and the Nation each day.

The last amendment deals with the definitions. As to the definition of classified information, it excludes information that is, or was, freely available to the public. This insures that information that, say, was at one time in the CONGRESSIONAL RECORD will not thereafter be classified and possibly subject individuals to prosecution.

The definitions of "communications intellengence information" and "cryptographic information" are amended to make only specific, as opposed to general, information the subject of concern. This insures that if two individuals are talking and say "I understand the CIA still uses phone taps" that they will not be prosecuted, but if one says "I understand that there is a bug in room 4B of the X building in G country" then there is a possibility of prosecution.

When I initially cosponsored this bill, I realized that there were some provisions in the bill that did not adequately protect our basic liberties. These amendments related to chapter 11. Offenses involving national defense, and are an attempt to more adequately preserve the constitutional rights of all Americans and also to more adequately define the national defense concerns and interests that should be protected through the criminal justice system. They are the first of several amendments I intend to introduce as I review this extensive act to make certain it adequately provides for the prosecution of criminal offenders while preserving our precious constitutional safeguards.

I ask unanimous consent that the amendments be printed at this point in the RECORD.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT No. 859

(1) At page 65, line 15 delete the word "might", and insert in lieu thereof the word "would";

(2) At page 65, line 15 delete the words "interfere with,";

(3) At page 65, lines 16 and 17 delete the words "to prepare for or";

(4) At page 65, line 17 delete the words "or defense activities";

(5) At page 65, line 22 insert before the word "other" the word "any", and at page 65, lines 22 and 23 delete the words "for the purpose of collective bargaining or other mutual aid and protection";

(6) At page 65, line 33 delete the word "or"; and

(7) At page 65 delete all of line 34.

AMENDMENT No. 860

(1) At page 67, lines 30 and 31 delete the words "in mutiny, insubordination, refusal of duty, or desertion" and insert in lieu thereof "immediately in mutiny, insubordination, refusal of duty, or desertion, and his conduct was likely to produce such result";

(2) At page 68, line 9 delete the words "class D felony" and insert in lieu thereof the words "class E felony";

(3) At page 68, line 10 delete the words "in the circumstances set forth" and insert in lieu thereof the words "if the offense is mutiny or desertion as set forth";

(4) At page 68, line 11 delete the word "or"; and

(5) At page 68 delete all of line 12 through line 14 and insert in lieu thereof "(3) a class A misdemeanor in all other circumstances".

AMENDMENT No. 861

(1) At page 69, line 2 delete the word "knowing" and insert in lieu thereof the word "intending";

(2) At page 69, line 3 delete the words "national defense information may", and insert in lieu thereof the words "classified information will";

(3) At page 69, line 6 insert before the word "communicates", the word "directly";

(4) At page 69, line 6, insert after the words "foreign power" the words "or its agent";

(5) At page 69, line 7 delete the words "knowing that it may" and insert in lieu thereof the words "intending that it will";

(6) At page 69, line 10 delete the words "knowing that it may" and insert in lieu thereof the words "intending that it will"; and

(7) At page 69, lines 14 and 15 delete the words "or during a national defense emergency".

AMENDMENT No. 862

At page 69, delete all of line 23 through page 71, line 26, and insert in lieu thereof:

1122. Disclosing classified information

(a) Offense.—A person is guilty of an offense if:

(1) being or having been in authorized possession or control of classified information, he:

(A) communicates such information to a person who he knows is not authorized to receive it;

(B) intentionally fails to deliver it on demand to a federal public servant who is authorized to demand it;

(C) engages in conduct that causes its loss, destruction or theft, or its communication to one not authorized to receive it, and such conduct is in reckless disregard of the risk of such result; or

(D) fails to report promptly, to the agency authorizing him to possess or control such information, its loss, destruction, or theft, or its communication to one not authorized to receive it.

(2) being in unauthorized possession or control of classified information, he:

(A) intentionally communicates it to an individual who he knows is not authorized to receive it;

(B) intentionally fails to deliver it promptly to a federal public servant who is authorized to receive it; or

(C) engages in conduct that causes its

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loss, theft or its communication to one not authorized to receive it, and such conduct is in reckless disregard of the risk of such result.

(b) Exceptions to liability as an accomplice, conspirator or solicitor.—A person who is not authorized to receive classified information is not subject to prosecution as an accomplice to an offense under this section, and is not subject to prosecution for conspiracy to commit or for solicitation to commit an offense under this section.

(c) Bar to prosecution.—A prosecution under this section is barred unless:

(1) At the time of the offense there existed, pursuant to a statute or an executive order, or a regulation or rule pursuant thereto

(A) a government agency responsible for insuring that other governmental agencies classify and maintain as classified only such information as is lawfully subject to classification, and that the classification of such information was reviewed for the purpose of ascertaining its lawfulness within the past year; and

(B) a review procedure through which the defendant could obtain review, by the government agency described in subparagraph (A), of the lawfulness of the classification of the information; and

(2) prior to the return of the indictment or the filing of the information, the head of the government agency classifying the information, the head of the government agency described in subparagraph (A) of paragraph (1), and the Attorney General jointly certify to the court that the information was lawfully subject to classification at the time of the offense.

(d) Affirmative defenses.—It is an affirmative defense to a prosecution under this section that:

(1) the information was communicated only to a regularly constituted subcommittee, committee, or joint committee of Congress, pursuant to a lawful demand; or

(2) the defendant had attempted to obtain the reclassification of the information and had exhausted all administrative remedies arising out of the review procedure described in subsection (c)(1), and the information:

(A) was not directly communicated to an agent of a foreign power;

(B) was not communicated in exchange for anything of value; and

(C) was not lawfully subject to classification at the time of the offense.

(e) Defense precluded.—It is not a defense to a prosecution under this section, except as provided in subsection (d)(2), that the information was not lawfully subject to classification at the time of the offense.

(f) Grading.—An offense in this section is:

(1) if committed in time of war:

(A) a class A felony if the person to whom the information is directly communicated is an agent of a foreign power;

(B) a class B felony in the circumstances set forth in (a)(1)(A), (1)(B), (1)(D), or (2)(A);

(C) a class C felony in any other case.

(2) if not committed in time of war:

(A) a class C felony if the person to whom the information is directly communicated is an agent of a foreign power in the circumstances set forth in section (a)(1)(A) or (2)(A);

(B) a class D felony in the circumstances set forth in (a)(1)(A) or (1)(B);

(C) a class E felony in the circumstances set forth in (a)(1)(C), (1)(D), (2)(A) or (2)(B);

(D) a class A misdemeanor in the circumstances set forth in (a)(2)(C)."

At page 71, line 27, delete the numbers "1125" and insert in lieu thereof the numbers "1123";

At page 71, line 36, delete the numbers "1126" and insert in lieu thereof the numbers "1124";

At page 72, line 10, delete the numbers "1127" and insert in lieu thereof the numbers "1125";

At page 72, line 33, delete the numbers "1128" and insert in lieu thereof the numbers "1126".

AMENDMENT No. 863

At page 73, lines 1 and 2 delete the words, ", regardless of its origin,";

At page 73, line 6, insert after the word "security" the words ", and is not now, nor was previously, freely in the public domain";

At page 73, line 9, insert before the word "procedure" the word "particular";

At page 73, line 13, insert before the word "use" the word "particular";

At page 73, line 23, insert before the word "nature" the word "particular";

At page 73, line 28, insert before the word "use" the word "particular";

At page 74, delete all of line 1 through line 20.

AMENDMENT No. 864

(1) At page 64, line 7 delete the words "to prepare for or";

(2) At page 64, lines 7 and 8 delete the words "or defense activities";

(3) At page 64, line 18 delete the words "in part", and insert in lieu thereof the words "substantially in whole";

(4) At page 64, line 23 delete the word "or";

(5) At page 64, line 24 delete the words "(D) any public facility;";

(6) At page 64, line 31 delete the word "or";

(7) At page 64, line 32 delete the words "(B) a service of a public facility.";

(8) At page 65, line 10 delete the word "or"; and

(9) At page 65, line 11 delete the words "(B) is committed during a national defense emergency;".

AMENDMENT No. 865

(1) At page 63, lines 23 and 24 delete the words "as speedily as circumstances permit," and insert in lieu thereof the word "imminently";

(2) At page 63, lines 25 and 26 delete the words "then or at some future time" and insert in lieu thereof the word "imminently"; and

(3) At page 63, line 27 insert after the word "government" the words "and his conduct is likely to produce such result".

At page 63, delete everything from line 3 through line 8 and insert in lieu thereof "(2) levies war against the United States."

At page 43 line 16 insert the following definition "war" means a war declared by Congress pursuant to its Constitutional power, or an invasion of the United States by a foreign Nation."

NOTICE OF HEARINGS

Mr. McINTYRE. Mr. President, on Wednesday, July 30, 1975, I announced that the Subcommittee on Financial Institutions of the Committee on Banking, Housing and Urban Affairs would hold a hearing on NOW accounts in Concord, N.H., on Friday, September 12, 1975.

Since NOW accounts are presently restricted to the States of New Hampshire and Massachusetts, I wish now to announce that the Subcommittee will hold an additional hearing in Worcester, Mass., on Thursday, September 11, 1975.

This additional hearing should afford the subcommittee a better overall view of NOW accounts in the two States where they are presently authorized.

Anyone wishing information concerning these hearings should contact Mr. William R. Weber, counsel, room 5300, Dirksen Senate Office Building, Washington, D.C. 20510, telephone: Area code 202/224-7391.

NOTICE OF HEARINGS OF THE SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY

Mr. BAYH. Mr. President, I wish to announce that the Subcommittee To Investigate Juvenile Delinquency, Committee on the Judiciary, will continue hearings on the escalating rate of firearms crimes. The subcommittee to date has held two hearings this year—April 23 and July 22—which explored additional initiatives to more effectively curb the senseless slaughter of innocent human beings and the ever-escalating number of armed assaults and robberies involving firearms. The third day in our series of hearings is scheduled to be held on Monday, August 18, 1975, at 10 a.m., in room 2228, Dirksen Office Building.

Mr. President, the subcommittee will also continue their hearings on the abuse and misuse of controlled drugs in juvenile institutions. Last year the subcommittee initiated a special investigation of these distressing problems and in the coming months will continue with a comprehensive assessment of the practices which lead to the chemical straitjacketing of thousands of youngsters. The second in our series of hearings is scheduled to be held on Thursday, August 14, 1975, at 10:30 a.m., in room 2228, Dirksen Office Building.

Anyone interested in these subcommittee investigations or desiring to submit a statement for the record should contact John M. Rector, staff director and chief counsel of the subcommittee, U.S. Senate, A504, Washington, D.C. 20510, 202(224-2951).

GRAIN SALES TO THE SOVIET UNION—NOTICE OF HEARING

Mr. TALMADGE. Mr. President, there has been a flurry of statements the past few days in regard to the recent grain sales to the Soviet Union. Most are equating the current situation with that which prevailed at the time of the 1972 Soviet grain purchase.

I can appreciate the fact that people would be concerned about a repeat of that unhappy experience but I cannot understand the extent of misinformation being given out and, it some cases, blatantly irresponsible statements by persons who should know better.

The Agriculture and Consumer Protection Act of 1973, initiated by the Committee on Agriculture and Forestry, provides a reporting and monitoring system that was unavailable in 1972. This requirement and authority is contained in section 812 of that 1973 act. If the act is properly administered, there is no chance of a repeat of the 1972 grain raid.

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